

**NOWELL, AMOROSO, KLEIN, BIERMAN, P.A.**

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**Hearing Date:**

**May 26, 2011 @ 10:00 a.m.**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		
In re	:	Chapter 11
	:	
DPH HOLDINGS CORP., et al.,	:	Case No. 05-44481 (RDD)
	:	
Reorganized Debtors.	:	(Jointly Administered)
-----X		

**CON-WAY FREIGHT INC.'S COUNTER STATEMENT OF DISPUTED ISSUES WITH  
RESPECT TO ADMINISTRATIVE EXPENSE CLAIM NUMBER 18556**

Con-way Freight, Inc. ("Con-way") hereby submits its Counter Statement of Disputed Facts regarding the Reorganized Debtors' Objection (the "Objection") to Con-way's Administrative Expense Claim, Number 18556 (the "Administrative Claim") for transportation services supplied to certain of the debtors and debtors-in-possession (collectively, the "Debtors"). In support of this Statement, Con-way respectfully represents as follows:

**JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
2. Venue in this district is proper under 28 U.S.C. § 1409.

**BACKGROUND**

3. On March October 8 and 14, 2005, Delphi Corporation and certain of its affiliates, former Debtors and Debtors-in-Possession in the above captioned cases (collectively, the

"Debtors"), predecessors of the Reorganized Debtors, filed Voluntary Petitions in this Court pursuant to Chapter 11 of Title 11 of the United States Code.

4. On July 13, 2009, Con-way filed the Administrative Claim in the original amount of \$101,602.55.

5. On or about January 22, 2010, the Debtors filed the Objection to Con-way's Administrative Claim.

6. On February 17, 2010 Con-way filed its response to the Objection in which Con-way reduced the Administrative Claim to \$18,896.63.

7. On March 22, 2011, the Reorganized Debtors filed a Notice of Claim objection hearing with respect to the Objection, scheduling an evidentiary hearing on the merits of the claim for May 26, 2011 at 10:00 a.m.

8. Con-way acknowledges that the Reorganized Debtors are entitled to an additional credit of \$13,549.42 on account of payments remitted by the Reorganized Debtors.

9. Consequently, the remaining amount in dispute regarding the Administrative Claim is \$5,347.22.

#### **DISPUTED ISSUES**

10. Con-way timely and properly submitted invoices reflecting the \$5,347.22 balance due upon the Administrative Claim.

11. In addition, of the \$5,347.22 of invoices referenced above, Con-way resubmitted revised invoices in the aggregate amount of \$4,965.92 to Trendset on February 22, 2010.

12. Thus, taking into account the credits due to the Reorganized Debtors referenced above, Con-way retains an Administrative Claim in the amount of \$5,347.22.

WHEREFORE, Con-way respectfully requests that this Court enter an order: (a) allowing  
Con-way's Administrative Claim in the amount of \$5,347.22.

Dated: Hackensack, New Jersey  
May 2, 2011

**NOWELL, AMOROSO, KLEIN, BIERMAN,  
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/s/ David Edelberg

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